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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 12-0628 RS
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	CONTINUING DATE OF EVIDENTIARY
v.)	HEARING AND EXCLUDING TIME
)	
CURTIS LEE JOHNSON, JR.,,)	
)	
Defendant.)	
)	

STIPULATION

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing the date of the resumed evidentiary hearing in this case, from October 4, 2013 at 10:00 a.m. to November 6, 2013 at 10:00 a.m., and excludes the period from October 4, 2013 through November 6, 2013 from the otherwise applicable calculation under the Speedy Trial Act.

The parties represent to the Court that defense counsel is involved in a special circumstances murder case in state court which is anticipated to continue for a number of weeks; that defense counsel is thus unable to prepare effectively to resume the evidentiary hearing in this case until November 6, 2013; that defense counsel has cleared the November 6, 2013 date with the judge hearing the state murder case; that defense counsel is thus available for the November 6, 2013 hearing date and will be

able to prepare sufficiently for resumption of the evidentiary hearing in this case on that date; and that failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Defense counsel further represents that the defendant agrees to the requested exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) to provide the reasonable time necessary for his counsel's effective preparation, taking into account the exercise of due diligence.

Based on the above, the parties jointly request that the Court find that the ends of justice served by excluding from the otherwise applicable Speedy Trial Act calculation the period from October 4, 2013 through and including November 6, 2013 outweigh the best interests of the public and the defendant in a speedy trial, and that failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED:

/s/
MICHAEL GAINES
COUNSEL FOR THE DEFENDANT

DATED:

/s/
ANDREW M. SCOBLE
ASSISTANT U.S. ATTORNEY

~~PROPOSED~~ ORDER EXCLUDING TIME

Based upon the above stipulation, and for good cause, THE COURT FINDS THAT the ends of justice served by granting a continuance from October 4, 2013 through and including November 6, 2013 outweigh the best interests of the public and the defendant in a speedy trial. THE COURT FURTHER FINDS THAT failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

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1 Accordingly, THE COURT ORDERS THAT:

2 1. The evidentiary hearing in this case is continued to November 6, 2013 at 10:00 a.m.

3 2. The period from October 4, 2012 through and including November 6, 2013 is excluded
4 from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &
5 (B)(iv).

6 IT IS SO ORDERED.

7 DATED: 10/4/13


HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE